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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/720,902	11/24/2003	Alan L. Billings	930034-2041	5301
20999	7590	09/21/2006		
FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151				
			EXAMINER ROSSI, JESSICA	
			ART UNIT	PAPER NUMBER

1733

DATE MAILED: 09/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Advisory Action</b> <b>Before the Filing of an Appeal Brief</b>	<b>Application No.</b> 10/720,902	<b>Applicant(s)</b> BILLINGS ET AL.	
	<b>Examiner</b> Jessica L. Rossi	<b>Art Unit</b> 1733	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 14 September 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
 b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
 (b) ☐ They raise the issue of new matter (see NOTE below);  
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
 5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
 6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
 7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
 The status of the claim(s) is (or will be) as follows:  
 Claim(s) allowed: \_\_\_\_\_.  
 Claim(s) objected to: \_\_\_\_\_.  
 Claim(s) rejected: \_\_\_\_\_.  
 Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attached sheets.  
 12. ☒ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). 9/14/06  
 13. ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments filed 9/14/06 have been fully considered but they are not persuasive.
2. On p. 3 of the remarks, Applicant contends that Billings prefers complete impregnation of the coating or polymeric resin material into the base structure 52 rather than a distinct layer on the outside of the base structure (column 4, lines 42-47).

The examiner would like to point out that the present invention does not exclude the resin layer completely impregnating the base structure, the resin layer only forming a distinct layer on the outside surface of the base structure, or the resin layer completely impregnating the base structure and forming a distinct layer on the outside surface thereof. Regardless, one reading Billings would readily appreciate that the reference prefers "*coating and impregnating*" (column 4, line 44) the base structure such that the resin completely impregnates the base structure *and* forms a coating layer on the outside surface thereof as opposed to just forming a coating layer on the outside surface thereof (note resin shown as dark, slanted lines '66' in Figure 2 where the lines extend all the way through the base structure while also being present on the outside surface of the base structure).

3. On p. 3 of the remarks, Applicant contends that MacGahern relates to a resin-impregnated belt for a long nip press where the resin forms layers on the inner and outer surfaces of the base structure and the outer surface has grooves for the temporary storage of water pressed from a paper web; therefore, the primary purpose of grooves in MacGahern is for the temporary storage of water pressed from a paper web. Applicant argues that on the contrary, grooves are

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provided on the outer surface of the belt of the present invention in order to ease sheet release and to increase the rate of board moisture removal. Applicant also argues that the sheet contacting the belt of the present invention is vented either with grooves or holes in order to allow moisture laden air to escape to the atmosphere and not to temporarily store water pressed from a web and therefore there is no requirement for temporary storage of water in the present invention.

The examiner points out that NONE of these arguments are commensurate with the scope of the claimed invention. Regardless, the examiner invites Applicant to carefully reread the rejection set forth in paragraph 3 of the previous action, where MacGahern was only used to show it being known in the art to make a resin coated and impregnated belt capable of temporarily storing water that is removed from the material in contact therewith by forming grooves in the resin.

The examiner acknowledged that MacGahern talks about using his belt as a long nip press belt in a paper machine but does not talk about using it in a corrugator machine and that is why the reference to Hansen was cited to show it being known in the art to use the same belt as a long nip press belt in a paper machine or as a corrugator belt in a corrugator machine where in both instances the belt is capable of temporarily storing water.

4. On p. 3 of the remarks, Applicant argues that Hansen does not teach or suggest a coating and the grooves formed in the base structure of Hansen are formed in the yarns of the base structure and not on an additional polymeric resin layer coated over the fabric.

The examiner readily acknowledged this in the previous action and that is why Hansen was only used to show it being known in the art to make a belt that is capable of temporarily

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storing water and using that belt in a variety of industrial settings, including a long nip press belt in a paper machine and a belt in a corrugator machine.

5. On p. 3-4, Applicant argues that the grooves of Hansen are used for temporarily storing water and not to either ease of sheet release or increase in rate of board moisture removal, as is the instant invention.

The examiner points out that these arguments are NOT commensurate with the scope of the claimed invention.

6. On p. 4 of the arguments, Applicant argues that the grooves for temporarily storing water in the belt of Hansen are only used in papermaking and not corrugator board production.

Applicant attempts to support his argument by citing sections [0015] and [0052] of Hansen.

One reading Hansen *as a whole* would readily appreciate that the grooves for temporarily storing water in the belt of Hansen are not just limited to papermaking but are applicable to all the industrial processes/settings mentioned throughout the reference (i.e. corrugator board production). The examiner's position is strongly supported throughout the reference and specifically at section [0052] where it is expressly stated that the fabrics will "ordinarily have to be provided with passages for conveying water away from a cellulosic fibrous web or other material being conveyed thereon." Therefore, Hansen does provide the missing link between Billings and MacGahern in the rejection set forth in the previous action.

7. On p. 5 of the remarks, Applicant argues that the ODP set forth in the previous action fails for the reasons set forth above with respect to the Hansen and MacGahern references.

The examiner disagrees with Applicant for the reasons set forth above with respect to the Hansen and MacGahern references.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Jessica L. Rossi** whose telephone number is **571-272-1223**. The examiner can normally be reached on M-F (8:00-5:30) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard D. Crispino can be reached on 571-272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

**JESSICA ROSSI**  
**PRIMARY EXAMINER**

